

**Special Town Meeting  
November 1, 2012  
Memorial Town Hall  
Great Hall**

The meeting was called to order at 7:12 p.m. by Moderator Peter J. Adams following the Registrars' announcement that a quorum was present.

The reading of the Return of the Warrant was waived. The Moderator announced that the meeting was posted in accordance with the law.

The Moderator thanked Rich Lapierre (Sounds by Rich) for supplying the sound system and noted that this date also marked the day of the first successful test of a hydrogen bomb.

The Moderator introduced to attendees, himself, Members of the Board of Selectmen, Town Administrator, Town Counsel, and Town Clerk. Nancy Herholz introduced the Finance Committee members present.

The Moderator reviewed the ground rules and parliamentary procedure for Town Meetings.

Chairman Pepe greeted the attendees and asked for a moment of silence to remember the victims of Hurricane Sandy and in memory of Lucas Lacaire who recently passed away.

Selectman Berthiaume then introduced the Meloche family and presented the Selectmen's Leadership award posthumously to Charles H. "Dutchy" Meloche for his many years of service to the Town.

The following articles were acted upon:

**Article 1:**

***Majority voted that the Town amend*** its Fiscal Year 2013 Operating Budget by appropriating the sum of Thirty-One Thousand, Four Hundred Ninety-Six Dollars and No Cents (\$31,496.00) to the following various accounts, and further to transfer said sum from available Certified Free Cash to meet said appropriation:

<b><u>Department</u></b>	<b><u>Account</u></b>	<b><u>Amount</u></b>
Town Clerk Expenses	11161-57000	\$2,000.00
Town Hall Maintenance	11192-57000	\$5,500.00
Police Department	11210-57000	\$1,876.00
Expenses		
Fire Department	11220-57000	\$2,120.00
Expenses		
Veterans' Services	11543-57000	<u>\$20,000.00</u>
Benefits/Expenses	<b>Total</b>	<b><u>\$31,496.00</u></b>

**Article 2:**

***Majority voted that the Town*** amend Article 15 from the May 3, 2012 Annual Town Meeting by replacing the words "Fifty-Seven Thousand, Fifty-Two Dollars and No Cents (\$57,052.00)", with the words "Sixty-Seven Thousand, Three Hundred Sixty-Six Dollars and No Cents (\$67,366.00)", and further to appropriate an additional Ten Thousand, Three Hundred Fourteen Dollars and No Cents (\$10,314.00) and transfer said sum from available Certified Free Cash to meet said appropriation for the following purposes:

Smith Vocational Regional Agricultural High School  
Assessment      Account #11300-52000      \$19,371.00

Smith Vocational Regional Agricultural High School  
Transportation      Account #11300-52100      \$22,500.00

Tantasqua Regional Vocational High School Assessment  
Account #11300-52000      \$10,195.00

Tantasqua Regional Vocational High School Transportation  
Account #11300-52100      \$15,300.00

**Article 3:**

***Majority voted that the Town*** amend Article 12 from the May 3, 2012 Annual Town Meeting by replacing the words "Seven Million, Eight Hundred Fourteen Thousand, Four Hundred Twenty-Five Dollars and No Cents (\$7,814,425.00)", with the words "Seven Million, Nine Hundred Sixty-Seven Thousand, Eight Hundred Forty-Two Dollars and No Cents (\$7,967,842.00)."

**Article 4:**

***Majority voted that the Town*** transfer the sum of Two Hundred Seventy-Four Dollars and Sixty-One Cents (\$274.61) from the Sugden Block Unreserved Fund Balance (#29000-35900) to the Sugden Block Alarm Repairs Capital Account (#29000-58000).

**Article 5:**

***The Moderator declared a 52-8 Majority vote that the Town*** appropriate the sum of Twelve Thousand, Nineteen Dollars and Sixty-Four Cents (\$12,019.64) for the capital expenditure of an Emergency Siren Project and to meet said appropriation by transferring said sum from the Sugden Dam Repairs Capital Account #060-000-000-59183.

Mr. Kurt Nordquist, Mrs. Denise Lacroix, Chief David Darrin, Ms. Karen Summers, Chairman Anthony Pepe and Vice Chair Gary Woodbury all spoke on this article.

**Article 6:**

***Majority voted that the Town*** appropriate the sum of Forty-Four Thousand Dollars and No Cents (\$44,000.00) for the capital expenditure of a Radio Communications Infrastructure Upgrade Project and to meet said appropriation by transferring the sum of Thirty-Nine Thousand, One Hundred Ninety-Two Dollars and Eighty-Nine Cents (\$39,192.89) from the December 2008 Ice Storm (non-eligible) Capital Account #060-000-000-59171, and Four Thousand, Eight Hundred Seven Dollars and Seven Cents

(\$4,807.11) from the Highway One-Ton Dump Truck Capital Account #060-000-000-59187.

#### **Article 7:**

**Majority voted that the Town** appropriate the sum of Sixteen Thousand Dollars and No Cents (\$16,000.00) for the capital expenditure of a Stainless Steel Sand & Salt Spreader for Dump Truck Plow and to meet said appropriation by transferring the sum of Two Thousand, Two Hundred Ninety-Eight Dollars and Eighty-Nine Cents (\$2,298.89) from the Highway One-Ton Dump Truck Capital Account #060-000-000-59187, and Thirteen Thousand, Seven Hundred One Dollars and Eleven Cents (\$13,701.11) from available Certified Free Cash.

#### **Article 8:**

**Majority voted that the Town** appropriate the sum of Four Thousand Dollars and No Cents (\$4,000.00) for the capital expenditure of a Copier/Printer for the Board of Assessors and to meet said appropriation by transferring said sum from the Assessors Overlay Surplus Account.

#### **Article 9:**

**Majority voted that the Town** appropriate the sum of Six Thousand, Eight Hundred Dollars and No Cents (\$6,800.00) for the payment of interest owed by the Town of Spencer to Verizon New England, Inc. as required by a Massachusetts Appeals Court Decision reversing a ruling by the Massachusetts Appellate Tax Board, and to meet said appropriation by transferring said sum from the Assessors Overlay Surplus Account; or take any action relative thereto.

#### **Article 10:**

**The Moderator declared a 55-5 Two Third Majority vote** appropriate the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00) to be expended by the Sewer Department to:

- A. Increase funding for repairs to the Sewer System, including the wastewater treatment plant, collection system and pump stations approved in Article 8 of the May 3, 2012 Annual Town Meeting;
- B. To meet said appropriation by authorizing the Town Treasurer with the approval of the Board of Selectmen to borrow \$200,000 for a period of not more than 20 years, exclusive of the term of any temporary financing issued in anticipation of the issuance of long term bonds, to be repaid from receipts and revenues of the Sewer Department; and
- C. To direct the Board of Sewer Commissioners to establish the Fiscal Year 2014 sewer rates and fees to offset the annual debt service payments on the borrowing authorized by this vote.

Sewer Commission Frank White spoke on this article.

#### **Article 11:**

**Majority voted that the Town** authorize the Board of Sewer Commissioners to enter into a 5-year agreement for sludge hauling and disposal, as required by MGL c. 30B, §12.

Selectmen Robert “Bo” Fritze spoke on this article.

#### **Article 12:**

**Majority voted that the Town** amend the General Bylaws by adding new, Article 16, Sex Offender Bylaw. *Note: the full text of the proposed Bylaw amendment is available for review at the Town Clerk’s Office.*

Chairman Pepe, Mr. Larry Dufault, Kyle Sullivan and Town Administrator Adam Gaudette spoke on this article.

*Editorial Note: this bylaw was approved by the Attorney General on January 10, 2013.*

#### **Article 13:**

**Majority voted that the Town** amend the General Bylaws by adding new, Article 17, Right to Farm Bylaw. *Note: the full text of the proposed Bylaw amendment is available for review at the Town Clerk’s Office.*

Selectman Berthiaume and Mr. Nordquist spoke on this article.

*Editorial Note: this bylaw was approved by the Attorney General on November 14, 2012.*

#### **Article 14:**

**Majority voted that the Town** accept Candlewood Drive as a public way, provided that all costs associated with the preparation and recording of the deed and plan as well as certification of good and clear record and marketable title, are paid by the owner.

#### **Article 15:**

**The Moderator declared a Unanimous vote that the Town** accept a permanent drainage easement from William and Gloria Grenier on their property located at 22 Lincoln Street, Spencer, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town.

#### **Article 16:**

**The Moderator declared a Unanimous vote that the Town** accept a permanent drainage easement from Darren Collupy and Constance Hehir on their property located at 26 Lincoln Street, Spencer, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town.

**Article 17:**

***The Moderator declared a Unanimous vote that the Town***  
rescind previously authorized and unissued debt described as:

November 1, 2007	\$250,000.00	Town Hall Retaining Wall/HVAC
May 1, 2008	\$999.00	Sewer Repairs Maple Street
December 8, 2011	\$500,000.00	Sibley-Warner Farm Purchase

**Article 18:**

***The Moderator declared a 44-6 Two Thirds Majority vote that the Town*** amend Article 8 from the October 16, 2008 Special Town Meeting (Authorization to Sell the Sugden Block) by striking the words “for not less than One Million, Five Hundred Thousand Dollars and No Cents (\$1,500,000.00).”

Chairman Pepe, Town Administrator Gaudette, Mrs. Carol McPherson, Mr. Larry Dufault, Vice Chair Gary Woodbury, Mrs. Denise Lacroix, Mr. Charles Gillis and Mr. Kurt Nordquist spoke on this article.

**Article 19:**

***The Moderator declared a 49-1 Two Thirds Majority vote that the Town,*** in accordance with M.G.L. Chapter 59,§38H authorizes the Board of Selectmen to enter into a Payment In Lieu of Taxes (PILOT) Agreement with *GLC – (MA) Assumption College, LLC*, for a period of up to twenty (20) years, and to approve said agreement under which *GLC – (MA) Assumption College, LLC* will pay the Town a sum of money per year relative to a parcel totaling 21.7 acres+/- of land located at *115 Wilson Street*, Spencer, related to the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 3.88 megawatts.

A motion was made and seconded to dissolve the Meeting.

Majority voted at 8:40 p.m. to dissolve this Meeting.

78 Registered voters attended this Meeting.

Laura J. Torti, Town Clerk